

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

LADARCIA M. MOSLEY,)	
)	
Plaintiff)	
)	
vs.)	No. CIV-09-63-C
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security)	
Administration,)	
)	
Defendant)	

ORDER ADOPTING REPORT AND RECOMMENDATION

This action for judicial review of the Commissioner's denial of disability insurance benefits was referred for initial proceedings to United States Magistrate Judge Bana Roberts, consistent with 28 U.S.C. § 636(b)(1)(B). Judge Roberts entered a Report and Recommendation on October 22, 2009, recommending that the decision of the Commissioner be affirmed. Plaintiff, through counsel, has timely filed an objection to this report, and the Court therefore considers the matter de novo.

The relevant facts and applicable law have been fully set out in the Report and Recommendation and there is no point in repeating them here. In objection, Plaintiff argues that the ALJ's question to the Vocational Expert was improper and requires remand and that the ALJ did not properly evaluate the Listings relating to Plaintiff's mental health. With regard to the hypothetical question, the ALJ began his examination of the Vocational Expert

by ascertaining that he had been furnished a copy of the vocational documents. Although his hypothetical question did not directly include claimant's mental limitations, the Vocational Expert's answer clearly did. His answer was limited to jobs which would not require interaction with other people and are simple, one-step jobs. These are the limitations found by the ALJ and while the question may have been inartfully phrased, the answer assumed the only limitations that the ALJ found. There was no error. The analysis of whether Plaintiff met a Listing was complete and thorough, and while Plaintiff may not agree with the conclusion reached by the ALJ, the evaluation was properly done.

Accordingly, the Court the Report and Recommendation is adopted, and the Commissioner's decision is affirmed. A judgment will enter accordingly.

IT IS SO ORDERED this 25th day of November, 2009.



ROBIN J. CAUTHRON
United States District Judge